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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,354

06/15/2005

Andras Montvay

DE 020298

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09/05/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,354	MONTVAY ET AL.	
	Examiner	Art Unit	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the blank boxes in Figures 1-3 are not identified with descriptive labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 4,838,275) in view of Shimura et al. (US 6,110,108, hereinafter "Shimura"), and further in view of Brozovich et al. (US 5,311,569), hereinafter "Brozovich").

Regarding claims 1, 5-9, Lee discloses a telematic system (home medical surveillance system) arranged for enabling an automatic reconnection support, said system comprising an operator-controlled receiving station (central surveillance and control office SCO; Figure 1) arranged to communicate (routine diagnostic sessions; col. 15, line 39 - col. 16, lines 51) according to a communication protocol with a plurality of remotely arranged calling stations (patient subscriber apparatuses 10a-10c) comprising a first calling station (patient subscriber apparatus 10a) and a second calling station (patient subscriber apparatus 10b), said receiving station (SCO) being further arranged to enable an interrupt (emergency session; col. 8, lines 13-26; col. 16, lines 52-68) in the communication protocol with the first calling station (one of apparatuses 10a-10c) upon receipt of an interrupt request from the second calling station (another of apparatuses 10a-10c) in order to establish a connection to the second calling station (col. 16, lines 52-68), characterized in that the receiving station comprises informing means (an automatic announcer informs any patients undergoing routine sessions that their sessions are being interrupted and to await further instructions; col. 20, lines 9-13).

Lee differs from claims 1, 5-9 in that it is the observer who turns on the automatic announcer, not a computer program. However, Shimura, from the same field of endeavor, teaches the well known use of a computer program for controlling the

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interruption and connection operations (note "PROGRAM FOR INTERRUPTION & CONNECTION" store on hard disk 16 in Figure 1) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a computer program, as taught by Shimura, for automating the interruption and connection operations in the system of Lee.

The combination of Lee and Shimura differs from claims 1, 5-9 in that it does not specify transmitting the message to the operator. However, Brozovich teaches the desirability of providing the same information to the operator as that provided to a calling party (col. 6, lines 58-65) so that the operator is always apprised of the status of each call. It would have been obvious to an artisan of ordinary skill at the time of the invention to modify the combination of Lee and Shimura by displaying to the operator the interruption announcement which was transmitted to the other patients so that the operator is always aware of the status of the other call sessions.

Regarding claim 5, an emergency signal is detected from any patient subscriber (col. 20, line 9).

Regarding claim 6, a priority level is assigned to an emergency (col. 19, line 67 – col. 20, line 6).

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lee, Shimura and Brozovich, as applied to claim 1 above, and further in view of Clawson (US 6,004,266).

The combination of Lee, Shimura and Brozovich differs from claims 2-4 in that it does not specify carrying out a background interaction with the first calling station,

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selecting from a plurality of messages or transmitting workflow instructions. However, Clawson teaches the desirability of incorporate the above features (col. 4, line 15 – col. 5, line 25; col. 6, lines 51-65) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a computerized database of emergency medical inquiries and instructions in order to provide a systematic gathering of patient information and scripted instructions to the operator, thus, improving the accuracy and appropriateness of the medical response.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lee, Shimura, Brozovich and Clawson for the same reasons given above with regard to claims 2-4.

.Response to Arguments

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/
Primary Examiner, Art Unit 2614